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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VICTORIA M.E. BELLOTTI
and IAN E. SMITH

Appeal 2009-007093
Application 09/683,532
Technology Center 2400

Decided: June 29, 2010

Before HOWARD B. BLANKENSHIP, JEAN R. HOMERE, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-22 and 25, which are all of the claims remaining in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

Invention

Appellants' invention relates to electronic messages with system-generated network addresses that are transmitted to recipients to enable access to specific locations in the workflow system. The network addresses may be used only once, are generated using secure identifications, and/or can be generated randomly. These secure identifications can be created by encoding a large number into the network address. The network addresses generated to specific locations within a workflow system are intended for specific recipients but may be shared by the recipients as circumstances require. Electronic mail can be transmitted with specific electronic mail addresses encoded in the electronic mail message. The specific email address can be encoded into a "Reply-to" function. Alternatively, specific email addresses can be embedded into the message portion of the email message. Abstract.

Representative Claim

1. A method for transmitting a workflow-enabled electronic mail message from a user of a workflow system to a recipient, comprising:
 - creating an email message to the recipient by the user, the recipient who does not have access to the workflow system;
 - determining a network address;
 - embedding a link to the determined network address in the email message to the recipient;

associating a process of the workflow system with the determined network address; and

sending the email message having the link to the determined network address to the recipient, wherein the link provides the recipient with an access to the associated process of the workflow system.

Examiner's Rejections

Claims 1-22 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (*Implementation of a Workflow-Based Web Application with an Electronic Signature Mechanism*, Int'l. Conf. on Communication Technology, 1998) and Rienhoff (US 2002/0133495 A1).

Claim Groupings

In view of Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1, 4, 8, 21, and 25. *See* 37 C.F.R. § 41.37(c)(1)(vii).

PRINCIPAL ISSUES

- (1) Have Appellants shown that the Examiner erred in finding that the combination of Kim and Rienhoff teaches "the link provides the recipient with an access to the associated process of the workflow system" as recited in claim 1?
- (2) Have Appellants shown that the Examiner erred in finding that the combination of Kim and Rienhoff teaches "generating the network

address comprises randomly or pseudo-randomly generating the network address" as recited in claim 4?

(3) Have Appellants provided sufficient evidence or argument to show that embedding a plurality of links in an e-mail of Kim would impermissibly alter Kim's method of operation and render it unsuitable for its intended purpose?

FINDINGS OF FACT

Kim

1. Kim teaches a design and implementation of a workflow based system based on an enhanced electronic signature mechanism with TCP/IP e-mail. The system, which is called SICN (Standards Information Cooperation Network), is an Extranet based network application dedicated to effective online standards making environments. Abstract.

2. The system is an Extranet based Web application permitting registered users of a given VPN (Virtual Private Network) to access pre-screened information on the server. A Web browser can automatically reach a target document on an Extranet Web server via a URL contained in the body text of an e-mail. Section 3.1. The system provides the user with direct access to the Extranet application by clicking the URL address on the body text of the e-mail. Section 3.2. A decision maker can directly access a requested document by a linked URL that is the location of the document in the system. Section 3.3.

3. The system supports a security mechanism which protects the original information from exposure. An e-mail security tool based on a public key and a Message Authentication Code (MAC) guarantees integrity

of the document. The e-mail message can be sent over the Internet after encryption of the original text. The system also generates an automatic random key code linking to the e-mail in order to protect misusing of the e-mail. Section 3.1.

Rienhoff

4. Rienhoff teaches directing users to a secured area of a Web site by providing them with a link or http address in an e-mail. The users may be given, or requested to establish, an additional login name and/or password to permit them access to the secured area. ¶ [0112].

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

Obviousness

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416.

ANALYSIS

Section 103 rejection of claims 1, 2, 3, 6, 7, 10-12, and 15-18

Appellants contend that the combination of Kim and Rienhoff is unreasonable. In particular, Appellants contend that Kim already restricts access to secure content; therefore, a person of ordinary skill in the art would not have combined the teachings of Rienhoff with Kim. App. Br. 10-11; Reply Br. 2.

The Examiner finds that Rienhoff teaches directing users to a secured area of a Web site by providing the users with a link in an e-mail. Ans. 5. Including a link to a secured area of a Web site as described by Rienhoff in the e-mail of Kim appears to represent the combination of familiar elements according to known methods that yields the predictable result of providing the e-mail recipient with access to a restricted area of a Web site as taught by Rienhoff. Appellants have provided no evidence to the contrary.

Appellants also contend that Rienhoff teaches granting access to the secured area of the Web site by entering a login name and password. App. Br. 11. Appellants conclude that requiring a login name and password to enter a secured area does not teach a link that provides access to the secured area. App. Br. 11-12; Reply Br. 2-3.

Appellants have not provided a definition of a link that “provides the recipient with an access to the associated process of the workflow system” in the claim or the Specification that excludes requiring a login name and password before directing the user to a secured area of a Web site. In fact, Appellants’ Specification describes a URL that, when selected by a user, requires the user to enter identification and a password before providing the

user with access to the Web page specified in the URL. ¶¶ [0068], [0078], [0083]; Fig. 6. The recitation, “the link provides the recipient with an access to the associated process of the workflow system,” when read in light of Appellants’ Specification, therefore encompasses a link that requires a user to enter a login name and password before accessing a secured portion of a Web site. Appellants have provided no evidence to the contrary.

Appellants have not presented arguments for separate patentability of claims 2, 3, 6, 7, 10-12, and 15-18. We therefore sustain the § 103(a) rejection of claims 1-3, 6, 7, 10-12, and 15-18.

Section 103 rejection of claims 4, 5, 13, and 14

Appellants contend that the rejection incorrectly asserts that Kim teaches randomly or pseudo-randomly generating the network address. App. Br. 13. The Examiner finds that random and pseudo-random generation of data (such as network addresses) is implicitly required in public key cryptographic systems. The Examiner concludes that Kim’s discussion of public keys teaches randomly or pseudo-randomly generating network addresses. Ans. 10.

Claim 4 does not recite randomly or pseudo-randomly generating data. Claim 4 recites “randomly or pseudo-randomly generating network addresses.” The Examiner has not provided evidence to show that one of ordinary skill in the art at the time of invention would have applied the random numbers generated for encryption as taught by Kim to generate network addresses as required by claim 4.

We do not sustain the § 103(a) rejection of claim 4. Claim 5 depends from claim 4. Claims 13 and 14 contain a limitation similar to that of claim

4 for which the rejection fails. We therefore do not sustain the § 103(a) rejection of claims 5, 13, and 14.

Section 103 rejection of claims 8, 9, 19, and 20

Appellants contend that embedding a plurality of links in an e-mail of Kim would impermissibly alter Kim's method of operation and render it unsuitable for its intended purpose. Appellants base this contention on the fact that Kim teaches sending decision makers individual e-mails, specific to certain documents, with individual random keys. Appellants conclude that incorporating multiple links would defeat the purpose of careful control of the sequence of approval as discussed in section 3.3 of Kim. App. Br. 13.

Appellants have not established that "careful control of the sequence of approval" is the intended purpose of Kim. In fact, Kim's intended purpose appears to be implementing a workflow-based Web application with an electronic signature mechanism. FF 1. Further, Appellants have not provided any evidence to support the contention that incorporating multiple links in an e-mail would defeat the alleged intended purpose of "careful control of the sequence of approval." Logically, if several different workflows require approval, then including different links to the different workflows in one e-mail would allow the decision maker to have access to the different workflows from the links in the one e-mail.

Appellants have not presented arguments for separate patentability of claims 9, 19, and 20. We therefore sustain the § 103(a) rejection of claims 8, 9, 19, and 20.

Section 103 rejection of claim 21

The Examiner finds that Section 3.1 of Kim teaches how users gain access to the workflow system by receiving an e-mail embedded with a link. The Examiner also finds that Rienhoff teaches that a user can gain access to a secured area of a Web site after clicking a link that is received in an e-mail.

Ans. 11. The Examiner's findings are supported by the record. FF 1-4.

Appellants contend that Kim does not teach selecting the link to access the network address, wherein, in response, the workflow system provides access to the workflow process. In particular, Appellants contend that Kim authenticates a user with a unique e-mail address. App. Br. 14; Reply Br. 4.

Appellants' contention does not address the Examiner's findings. Appellants have therefore failed to rebut the Examiner's finding that the combination of Kim and Rienhoff teaches "selecting the link to access the network address, wherein, in response, the workflow system provides access to the workflow process" as recited in claim 21.

Appellants also contend that Kim and Rienhoff fail to disclose or suggest that the network address is specific to the workflow process and to the e-mail message. Reply Br. 4-5. The Examiner's statement of rejection for claim 21 in the Answer appears to be substantially the same as, if not identical to, the statement of the rejection in the Final Rejection. Appellants thus could have presented the new argument in support of claim 21 in the Appeal Brief, such that we would have had benefit of the Examiner's evaluation of the argument in the responsive Answer. Appellants do not explain what good cause there might be to consider the new argument. Appellants' new argument is thus untimely and has, accordingly, not been

considered. *See Ex parte Borden*, 93 USPQ2d 1473 (BPAI 2010) (informative).

We therefore sustain the § 103(a) rejection of claim 21. Appellants have not presented arguments for separate patentability of claim 22. We therefore sustain the § 103(a) rejection of claim 22.

Section 103 rejection of claim 25

Appellants contend that Kim does not teach “excluding generated network addresses that have previously been embedded in any previous e-mail messages created by the system that have not yet been accessed.” App. Br. 14-15. The Examiner finds that Kim teaches that the data within the e-mail (including the URL) can be encrypted to prevent it from being exposed. Hence, the URL within each e-mail is unique and the embedding of previous links is avoided. Ans. 11-12.

The rejection fails to show how encrypting a URL within an e-mail teaches “excluding generated network addresses that have previously been embedded” as recited in claim 25.

We do not sustain the § 103(a) rejection of claim 25.

CONCLUSIONS OF LAW

(1) Appellants have not shown that the Examiner erred in finding that the combination of Kim and Rienhoff teaches “the link provides the recipient with an access to the associated process of the workflow system” as recited in claim 1.

(2) Appellants have shown that the Examiner erred in finding that the combination of Kim and Rienhoff teaches “generating the network

address comprises randomly or pseudo-randomly generating the network address" as recited in claim 4.

(3) Appellants have not provided sufficient evidence or argument to show that embedding a plurality of links in an e-mail of Kim would impermissibly alter Kim's method of operation and render it unsuitable for its intended purpose.

DECISION

The rejection of claims 1-3, 6-12, and 15-22 under 35 U.S.C. § 103(a) as being unpatentable over Kim and Rienhoff is affirmed.

The rejection of claims 4, 5, 13, 14, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Kim and Rienhoff is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART

msc

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